

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MICHAEL WEBB,

Plaintiff,

v.

9:18-CV-610

C. MILLER, *et al.*,

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION and ORDER

I. INTRODUCTION

This *pro se* civil rights action was referred to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and N.D.N.Y.72.3(c). In his June 4, 2021 Report-Recommendation and Order, Judge Stewart recommends that Defendant McClenning's Motion for Summary Judgment (Dkt. No. 76) be granted. See Rep.-Rec. & Ord., Dkt. No. 89, at 9. No objections to the recommendation have been filed, and the time to do so has expired.¹

II. DISCUSSION

After examining the record, this Court has determined that the Report-

¹The docket indicates that the Report-Recommendation and Order was served upon Plaintiff at his address on file at the time but, like two other court documents served on Plaintiff around the same time, was returned to the court with the notation "Inmate Refused, Refused Mail." Dkt. No. 91; see *also* Dkt. Nos. 90, 92.

Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

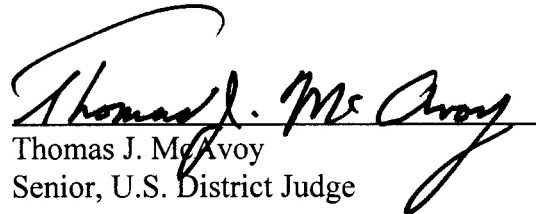
Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and Order (Dkt. No. 89) for the reasons stated therein. Therefore, it is hereby

ORDERED that Defendant McClenning's Motion for Summary Judgment (Dkt. No. 76) is **GRANTED**, and the claims against Defendant McClenning are **DISMISSED**.

The Clerk may terminate Corrections Officer D. McClenning as a defendant in this case.

IT IS SO ORDERED.

Dated: September 30, 2021


Thomas J. McAvoy
Senior, U.S. District Judge